REGULATION (EEC) No 3318/75 OF THE COMMISSION

of 19 December 1975

opening an invitation to tender for the costs of delivery of skimmed-milk powder to Niger as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 (1) of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 740/75 (2), and in particular Articles 7 (5) and 28 thereof;

Whereas Council Regulation (EEC) No 3236/74 (3) of 17 December 1974 laying down general rules for the supply of skimmed-milk powder as food aid to the countries of the Sahel and Ethiopia, provides *inter alia* that 1 250 metric tons of skimmed-milk powder which forwarding shall be ensured by the Community to the place of destination, shall be made available to Niger;

Whereas Niger has requested the supply, as emergency aid, of 500 metric tons of skimmed-milk powder; whereas the costs of delivering these supplies must be put out to tender as provided in Commission Regulation (EEC) No 597/75 (4) of 6 March 1975 concerning invitations to tender for the costs of delivery of skimmed-milk powder in public storage as food aid to the countries of the Sahel and Ethiopia;

Whereas certain items must be specified in pursuance of Regulation (EEC) No 597/75, such as the time limit for the submission of tenders and the terms of delivery of the skimmed-milk powder; whereas it may prove necessary owing to congestion at the proposed port of destination, to divert the skimmed-milk powder to another; whereas provision should therefore be made for amending, should the need arise, the costs already agreed on;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Tenders are hereby invited, pursuant to Regulation (EEC) No 597/75 for the delivery cif Lomé, in the sense of Article 2, of a lot of 500 metric tons of skimmed-milk powder to Niger.

Article 2

1. Tenders are invited to determine delivery costs incurred between removal of the goods from the intervention agency's storage depot and the time when the presence of the goods is effectively deposited on the quay at the port of unloading.

2. The time limit for the submission of tenders is 6 January 1976 at 12 noon.

Article 3

1. The skimmed-milk powder shall be removed from the premises of the French intervention agency.

2. It shall be packed following the requirements of the Annex to Regulation (EEC) No 597/75.

The intervention agency shall procure that the packing is marked in letters at least 1 cm high:

'Lait écrémé en poudre — Don de la Communauté économique européenne à la république du Niger — À distribuer gratuitement.'

3. Loading shall be effected on a date to be fixed by the intervention agency concerned which must be after 1 and before 18 February 1976.

Article 4

In respect of the supplies for which its intervention agency is responsible, the French Government shall ensure that the tenderer informs the country of destination, the representative of the intervention agency at the port of unloading and the Commission:

— as soon as possible after the goods have been loaded on board ship, of details of the ship, the loading date, the quantity and quality of the goods are recorded on shipment and the port of unloading;

— at least 10 clear days before arrival at the port of unloading, of the expected date of arrival;

— at least 72 hours before the ship's arrival in port, of the date of arrival.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 74, 22. 3. 1975, p. 1.
(3) OJ No L 346, 24. 12. 1974, p. 4.
(4) OJ No L 63, 8. 3. 1975, p. 7.

Article 5

When the delivery provided for in Article 2 (1) has been completed the representative of the intervention agency shall issue the successful tenderer with a certificate to the effect that delivery has been taken of the quantity of goods taken over from the intervention agency.

Article 6

1. On request of the Commission nominating a port other than that provided for in Article 1, the French intervention agency may, in agreement with the successful tenderer, have the skimmed-milk powder delivered to the new nominated port.

2. In such case the French intervention agency is to agree with the successful tenderer any cost reduction or increase against the costs originally agreed.

3. The intervention agency shall forthwith communicate to the Commission the agreed new amount of costs.

Article 7

1. The intervention agency concerned shall take all measures necessary to ensure that the skimmed-milk powder for which a contract is awarded is transported rapidly from the port of unloading to the destination points mentioned by the authorities of the recipient countries and communicated by the Commission to the intervention agency concerned.

2. Private contracts shall be negotiated on the best terms possible by the intervention agency for the cost of transport mentioned in paragraph 1 account being taken of prevailing transport terms and of the urgency of delivery.

3. The intervention agency shall communicate immediately to the Commission a copy of the private contract.

Article 8

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 December 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission